

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

ANTHONY BARNETT,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO.: 3:10-CV-157-TLS
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

This matter is before the Court on the Petitioner's Verified Motion to Alter or Amend Judgment [ECF No. 91], filed by counsel on October 15, 2015. The Petitioner asks the Court to alter or amend its Opinion and Order [ECF No. 90], dated October 14, 2015, which granted the Respondent an additional 30 days, up to and including October 29, 2015, to comply with the Court's conditional writ of habeas corpus [ECF No. 84] to either release the Petitioner or permit him to pursue a new direct appeal with the assistance of counsel within 120 days of the date of the conditional writ. The Petitioner argues that, because the Respondent allegedly failed to comply with the service of process requirements contained in Indiana Appellate Rule 24(A)(3), the Respondent can only achieve compliance with the conditional writ by immediately releasing the Petitioner.

The Court notes, however, that on October 28, 2015, the Respondent filed a timely Notice of Compliance With Mandate [ECF No. 92], along with an attached exhibit, showing that on October 27, 2015, the Court of Appeals of Indiana issued an Order granting a new direct appeal for the Petitioner. The Petitioner has not filed a response to the Notice.

Accordingly, in light of the Respondent's compliance with the Court's Opinion & Order [ECF No. 90], the Court DENIES the Petitioner's Verified Motion to Alter or Amend Judgment [ECF No. 91].

SO ORDERED on November 12, 2015.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION